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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,513	01/26/2001	Toshiharu Ueno	0905-0256P-SP	6116
2292	7590	07/13/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				AGGARWAL, YOGESH K
ART UNIT		PAPER NUMBER		

2615  
DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/769,513	UENO, TOSHIHARU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yogesh K. Aggarwal	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 April 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2 and 4-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    - 1) Certified copies of the priority documents have been received.
    - 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 2 and 4-19 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 6-8 and 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyawaki et al. (US Patent # 6,522,360) in view of Soohoo (US Patent # 5,754,348).

[Claim 1]

Miyawaki et al. teaches an image sensing apparatus (figure 8) having an image sensing unit (101) for sensing the image of a subject via a focusing lens (116) and outputting a video signal representing the image of the subject formed on a photoreceptor surface (col. 9 lines 9-17, col. 10 lines 42-45), a focus control unit (131) for controlling the focusing lens (116) in such a manner that an image within a focusing zone is focused on the photoreceptor surface (col. 10 lines 23-38), and a first display device (109) for displaying the image of the subject, which is for confirming angle of view, represented by the video signal output from the image sensing unit (col. 10 lines 39-41), said apparatus comprising an enlargement unit for applying enlargement processing to the video signal, which has been output from the image sensing unit, in such a manner that an in-focus confirmation image, which corresponds to the focusing zone, in the

image of the subject for confirming angle of view is enlarged in comparison with the image of the subject for confirming the angle of view (col. 9 lines 23-32, col. 10 lines 1-12, col. 10 line 55- col. 11 line 10), and a second display device for displaying the in-focus confirmation image enlarged by said enlargement unit (figure 10 (e) represents the second display device and displays the in-focus image enlarged by the electronic zooming after that specific area is selected for autofocusing, col. 11 lines 15-33) except a first display controller for exercising control in such a manner that the enlarged in-focus confirmation image is displayed on the image for confirming angle of view.

However Miyawaki et al. teaches in another embodiment (figures 13 and 14) that the enlarged in-focus confirmation image is displayed on the image by the image combining circuit 123 which combines the zoomed image and a total image and displays on the LCD 109 (col. 13 lines 18-45).

Therefore taking the combined teachings of fourth and sixth embodiment of Miyawaki, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have the enlarged in-focus confirmation image be displayed on the total image. The benefit of doing so would be so that the user is not fatigued by viewing both the total image and the zoomed image on the same display and is safeguarded against mistaken recognition, while the picture portion desired to be viewed may be designated easily and the picture may be seen as being magnified smoothly and continuously. Miyawaki fails to teach wherein an area of the focusing zone is dynamically selectable anywhere within the image.

However Soohoo teaches a method for dynamically magnify a selected portion of a moving video image e.g. a real time surveillance video of a house from a security camera in

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order to magnify or focus a certain doorway or window (col. 4 lines 41-50). Soohoo also teaches that this invention can be readily implemented on any personal computer, video editing system (includes a camera) or a desktop publishing system without undue experimentation (col. 2 lines 62-65, col. 4 lines 18-23). Therefore one skilled in the art can easily implement it on a camera with still or moving images. Soohoo further discloses an original image window 108 on a display screen 106, and a magnified image window 110 containing a magnified image (read as a focusing zone). A user selected region will have a position determined by a user-controlled pointing device. The two-word enlarged text in the magnified image will provide an easy and convenient means for making the text in the selected region more legible. The selected region can be moved to a different part anywhere within the image by the user controlled device, so that the magnified image changes accordingly (col. 2 line 60-col. 3 line 15, col. 3 lines 29-39, figures 3 and 4).

Therefore taking the combined teachings of fourth and sixth embodiment of Miyawaki and Soohoo, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have an area of the focusing zone that is dynamically selectable anywhere within the image in order to make the image more clear and legible and to preserve the context of the selected region of the image while the magnified image is displayed.

[Claim 2]

Figures 10a to 10e correspond to the same display device (LCD 109).

[Claim 4]

Miyawaki teaches that after a pilot lamp of a desired area is lighted, this area is lighted as shown in figure 10 (d), this area is zoomed up in an enlarged state on the LCD 109 as shown in figure

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10 (e). The AF area is performed on this area. Any desired area of the image within the image plane thus can be zoomed up during the process of shooting (col. 11 lines 25-33, figure 10) and therefore reads on wherein capture of the image for confirming angle of view and capture of the enlarged in-focus confirmation image may be performed simultaneously in terms of time.

[Claim 6]

Miyawaki teaches a first changing unit for changing at least one of position of the focusing zone and enlargement rate of enlargement processing performed by said enlargement unit (col. 10 lines 1-10).

[Claim 7]

Miyawaki teaches a second changing unit for changing at least one of display position and size of the in-focus confirmation image (col. 10 lines 55-67 discloses that different areas may be selected corresponding to AF).

[Claim 8]

Claim 8 is a method claim corresponding to the apparatus claim 1 except an input by a user. Soohoo teaches a user selected region will have a position determined by a user-controlled pointing device. Therefore claim 8 has been analyzed and rejected based upon the apparatus claim 1.

[Claim 9]

Soohoo teaches that the size of the floating plane region 114 may be changed in size and the magnification factor dynamically (col. 3 lines 40-46, figure 7).

[Claim 10]

Soohoo teaches that a size and magnification factor of the floating plane region may be changed. That is plane region 114 provides a magnifier that can dynamically magnify a movable selected region to any desired magnification (col. 3 lines 40-45). It would be obvious to one skilled in the art that a desired magnification and size will depend upon a user's liking wherein different users may be able to magnify and change the size of the window according to their own personal tastes. Therefore the size and magnification will be changed dynamically based on a user input.

[Claims 11, 16 and 18]

Miyawaki et al. teaches an image capturing apparatus (figure 8) comprising an image sensing unit (101) for sensing the image of a subject (col. 9 lines 9-19); a focus zone selecting unit (105) for selecting a focus zone and extracting a focus image, wherein a size of the focus image is smaller (or a subset of the image of the subject) than a size of the image of the subject (col. 9 lines 23-31, col. 9 lines 49-54, figures 8 and 9, figure 10(e) clearly show that the size of the focus image is smaller or in other words a subset of the image of the subject), an enlarging unit (106) for enlarging the focus image (col. 10 lines 63-67) a focusing unit (116) for focusing the image of the subject based on the focus zone (col. 9 lines 9-17, col. 10 lines 42-45); and a display device (109) for displaying the image and enlarged focus image in an AF mode (figures 10(d) and 10 (e) represent a display device that displays the image and in-focus image enlarged by the electronic zooming after that specific area is selected for autofocusing, col. 11 lines 15-33).

Miyawaki fails to teach wherein area of the focusing zone is dynamically selectable anywhere within the image or a size of the focus zone is dynamically adjustable or both.

However Soohoo teaches a method for dynamically magnifying a selected portion of a moving video image e.g. a real time surveillance video of a house from a security camera in

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order to magnify or focus a certain doorway or window (col. 4 lines 41-50). Soohoo also teaches that this invention can be readily implemented on any personal computer, video editing system (includes a camera) or a desktop publishing system without undue experimentation (col. 2 lines 62-65, col. 4 lines 18-23). Therefore one skilled in the art can easily implement it on a camera with still or moving images. Soohoo further discloses an original image window 108 on a display screen 106, and a magnified image window 110 containing a magnified image (read as a focusing zone). A user selected region will have a position determined by a user-controlled pointing device. The two-word enlarged text in the magnified image will provide an easy and convenient means for making the text in the selected region more legible. The selected region can be moved to a different part anywhere within the image by the user controlled device, so that the magnified image changes accordingly (col. 2 line 60-col. 3 line 15, col. 3 lines 29-39, figures 3 and 4). Soohoo also teaches that the size of the floating plane region may be changed in size and the magnification factor may also be changed (col. 3 lines 40-46).

Therefore taking the combined teachings of fourth and sixth embodiment of Miyawaki and Soohoo, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have an area of the focusing zone that is dynamically selectable or a size of the focus zone is dynamically adjustable or both anywhere within the image in order to make the image more clear and legible and to preserve the context of the selected region of the image while the magnified image is displayed.

[Claim 12]

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Miyawaki teaches in figure 10(d) a display device (109) that displays the image and in-focus image enlarged by the electronic zooming after that specific area is selected for autofocusing, (col. 11 lines 15-33). An angle-of-view would be inherently confirmed.

[Claim 13]

Miyawaki fails to teach in fourth embodiment a display unit displays the enlarged in-focus confirmation image superimposed on the image of the subject when operating in a focus confirmation mode.

However Miyawaki et al. teaches in another embodiment (figures 13 and 14) that the enlarged in-focus confirmation image is displayed on the image by the image combining circuit 123 which combines the zoomed image and a total image and superimposes displays on the LCD 109 (col. 13 lines 18-45) in a focus confirmation mode.

Therefore taking the combined teachings of fourth and sixth embodiment of Miyawaki, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have the enlarged in-focus confirmation image be superimposed and displayed on the total image. The benefit of doing so would be so that the user is not fatigued by viewing both the total image and the zoomed image on the same display and is safeguarded against mistaken recognition, while the picture portion desired to be viewed may be designated easily and the picture may be seen as being magnified smoothly and continuously.

[Claims 14 and 19]

Miyawaki teaches a multi-function shooting mode in which once a particular area is zoomed up as shown in figure 10 (e), it can be brought back to its original image (figure 10 (f)) by pressing switch 114 again. The image of the zoomed up region is now focused by the

focusing lens and after a completion of say 5 second an original image (with lens focused on the area selected) can be taken (col. 11 lines 33-45) and therefore the operations of the image sensing and extracting a focusing zone are performed sequentially.

[Claim 15]

Miyawaki teaches that after a pilot lamp of a desired area is lighted, this area is lighted as shown in figure 10 (d), this area is zoomed up in an enlarged state on the LCD 109 as shown in figure 10 (e). The AF area is performed on this area. Any desired area of the image within the image plane thus can be zoomed up during the process of shooting (col. 11 lines 25-33, figure 10) and therefore reads on wherein sensing of the subject by the image sensing unit and the extracting of the focus image by the focus zone selecting unit occurs simultaneously.

[Claim 17]

Soohoo discloses that the floating plane region is moved as the selected region is moved (col. 3 lines 16-39, figures 3-6).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyawaki et al. (US Patent # 6,522,360), Soohoo (US Patent # 5,754,348) and in further view of Suzuki (US Patent # 6,111,605).

[Claim 5]

Miyawaki et al. in view of Soohoo teaches the limitations of claim 1 including a display controller for displaying the enlarged in-focus confirmation image on said second display device and a recording controller for exercising control to record the video signal output from the image sensing device on a recording medium but fails to teach a two-stage-stroke-type shutter-release button, a second display controller for displaying the enlarged in-focus confirmation image on

said second display device in response to pressing of the shutter-release button through a first stage of its stroke and a recording controller for exercising control in response to pressing of the shutter-release button through a second stage of its stroke so as to record the video signal output from the image sensing device on a recording medium.

However Suzuki teaches a two-stage-stroke-type shutter-release button (figure 14A: 1406), a second display controller (figure 13: 113) for displaying the enlarged in-focus confirmation image on said second display device in response to pressing of the shutter-release button through a first stage of its stroke (col. 18 lines 50-55) and a recording controller (figure 13: 110) for exercising control in response to pressing of the shutter-release button through a second stage of its stroke so as to record the video signal output from the image sensing device on a recording medium (col. 18 lines 51-55).

Therefore taking the combined teachings of Miyawaki, Soohoo and Suzuki, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a two-stage-stroke-type shutter-release button incorporated into the camera of Miyawaki with a second display controller for displaying the enlarged in-focus confirmation image on said second display device in response to pressing of the shutter-release button through a first stage of its stroke and a recording controller for exercising control in response to pressing of the shutter-release button through a second stage of its stroke so as to record the video signal output from the image sensing device on a recording medium. The benefit of doing so would be so that the user can verify the image before it is recorded into the recording medium.

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***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA  
July 9, 2005



DAVID L. OMETZ  
PRIMARY EXAMINER